

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
SECURITIES AND EXCHANGE COMMISSION, :
: Plaintiff,
: :
: -against- : 11 Civ. 0215 (WFK) (AKT)
: WARREN D. NADEL, :
: WARREN D. NADEL & CO., and : ECF Case
: REGISTERED INVESTMENT ADVISERS, LLC :
: Defendants :
: :
: -and- :
: KATHERINE NADEL, :
: :
: Relief Defendant. :
-----x

**[PROPOSED] FINAL JUDGMENT AS TO
KATHERINE NADEL**

WHEREAS, on March 31, 2015, the Court issued a Decision and Order [DE 100], granting Plaintiff Securities and Exchange Commission (“Plaintiff or “Commission”) partial summary judgment against Defendants, and directing U.S. Magistrate Judge A. Kathleen Tomlinson to hold a hearing on relief consistent with its Decision and Order (“2015 Order”); and

WHEREAS, on May 26, 2015, the Court issued an Order granting the motion on consent [DE 103] of the parties for the Commission’s claim against Relief Defendant Katherine Nadel (“Relief Defendant”) to be referred for determination at the hearing before U.S. Magistrate Judge Tomlinson; and

WHEREAS, on February 11, 2016, after a hearing (held July 20-23, 2015), Judge Tomlinson issued a Report and Recommendation [DE 128] (the “Report”), recommending, inter alia, that the Court order against Relief Defendant \$807,346.51 in disgorgement, plus

prejudgment interest in the amount of \$156,033.03; and

WHEREAS on September 9, 2016, the Court issued a Decision and Order [DE 133] (the “2016 Order”), adopting the Report in its entirety; and

WHEREAS the 2015 Order, Report, and 2016 Order are incorporated by reference into this judgment as if fully set forth herein,

NOW THEREFORE

I.

IT IS ORDERED, ADJUDGED, AND DECREED that Relief Defendant is liable for disgorgement of \$807,346.51, representing profits gained as a result of the conduct alleged in the Amended Complaint, together with prejudgment interest thereon in the amount of \$156,033.03, for a total of \$963,379.54. Defendant shall satisfy this obligation by paying \$963,379.54 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Relief Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Relief Defendant may also pay by certified check, bank cashier’s check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Katherine Nadel as a Relief Defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Relief Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Relief Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Relief Defendant.

The Commission shall hold the funds (collectively, the "Fund") and may propose a plan to distribute the Fund subject to the Court's approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are deemed true as to Relief Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Relief Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: 1/20, 2017

s/WFK

~~UNITED STATES DISTRICT JUDGE~~